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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,757	12/20/2001	Tony Piotrowski	US010628	3946

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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EXAMINER

ALAUBAIDI, HAYTHIM J

ART UNIT PAPER NUMBER

2168

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/024,757

Applicant(s)

PIOTROWSKI, TONY

Examiner

Haythim J. Alaubaidi

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7,9-14,17 and 20-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-14,17 and 20-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This communication is a Final Office Action in response to the amendment of August 18, 2005.
2. The Examiner acknowledges the cancellation of Claims 8, 15, 16, 18 and 19.
3. The Examiner acknowledges the newly added Claims 20-26.
4. Claims 1-7, 9-14, 17 and 20-26 stands present to be examined following the amendment of August 18, 2005.
5. The Examiner acknowledges the replacement sheet drawings of Figure No. 3.
6. Claims 1, 4, 6-7, 9-11, 13-14, 17 and 20-26, are rejected under 35 U.S.C. 102(a).
7. Claims 2-3, 5 and 12 are rejected under 35 U.S.C. 103(a).

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

9. Claims 1, 4, 6-7, 9-11, 13-14, 17 and 20-26, are rejected under 35 U.S.C. 102(a) as being anticipated by Stephan H. Maes (European Patent Application EP 1 143 679 and Maes hereinafter).

Regarding Claims 1, 7, 9-11, 17 and 24-25, Maes discloses:

inputting by a user of audio data (Figure No. 1, Element No. 16 and 24 and corresponding text);

forming from the inputted data a voice data packet related to a desired item or service; (Figure 1, Elements No. 15, 16, 24, 21, 22 and 23 and corresponding text; see also Col 5, Paragraph [0019]);

forming a search request using information from the voice data packet, (Figure No. 3a, Element No. 105 and corresponding text; see also Col 9, Paragraph [0030]; see also Col 2, Paragraphs [0006] and [0007]);

the search request including audio information; (Figure No. 1, Element No 15 and 16 and corresponding text; see also Col 7, Paragraph [0024]);

transmitting from a terminal of a user (Figure No. 1, Element No. 16 and corresponding text) the formed search request to a search engine (Figure No. 1, Element No's. 24 and 20-23 and corresponding text);

receiving the transmitted search request (Figure No. 1, Element No. 17 and corresponding text)

searching based on the search request one or more databases for the desired item or service; (Figure No 1, Elements No. 25 and 26 and corresponding text).

Regarding Claim 4, Maes discloses searching step includes searching one or more databases over the Internet (Figure No. 1 and corresponding text; see also Col 6, Paragraph [0023]).

Regarding Claim 6, Maes discloses verifying the user's identity using a voice authentication process (Col 21-22, Paragraph [0066]).

Regarding Claim 13, Maes discloses audio-to-text unit, wherein at least a portion of the search request includes electronic text data (Col 6-7, Paragraphs [0023] and [0024]).

Regarding Claim 14, Maes discloses a result indication formatter that formats the search results in a predetermined order (Col 11, Lines 4-12).

Regarding Claims 20, 21 and 23, Maes discloses a communication channel through an online connection (please see Figure No. 1 and the corresponding text).

Regarding Claim 22, Maes discloses a search engine (please see Figure No. 1, Element No. 23 and the corresponding text).

Regarding Claim 22, Maes discloses a web-enabled television (please see Figure No. 1, Element No's. 12-15 and the corresponding text as interactive communication devices).

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2-3, 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephan H. Maes (European Patent Application EP 1 143 679 and Maes hereinafter) in view of Ronald A. Katz (U.S. Patent No. 6,055,513 and Katz hereinafter).

Regarding Claim 2 Maes's reference discloses all of the claimed subject matter set forth above, including providing a result of the search to the user (Maes, Col 21, Lines 27-31, i.e. search result; see also Figure 3a, Element 107 and corresponding text); except the reference does not explicitly indicate wherein, the information includes one or more of the following types of information: consumer information, merchandize/service description, merchandize/service source, financial information and shipping information. However Katz discloses merchandize/service description (Katz, Abstract, i.e. determining at least one good, service or item of information; see also Col 2, Lines 3-7; see also Col 24, Lines 4-11). Given the intended broad application of the Maes system, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Maes with the teachings of Katz to include an item description to be purchased or to identify the user purchasing the items or goods, one reason would be to complete the purchasing transaction, as identifying the items and/or good would result in completing the purchasing transaction

if the voice or audio search request was in regard to purchasing an item or good or a service.

Regarding Claim 3 Katz discloses completing a purchase transaction in an offline process; an "offline process" as defined by the Specification of the current Application (Paragraph [0017]) is processing the purchase order by the merchant once a request was received "not in real time" (Col 1, Lines 20-41; see also Col 2, Lines 34-54)<sup>1</sup>

Regarding Claim 5, Maes's reference discloses all of the claimed subject matter set forth above, except it does not explicitly indicate wherein the purchase transaction is a credit or debit card transaction. However Katz discloses wherein the purchase transaction is a credit or debit card transaction (Col 9, Lines 22-64). Given the intended broad application of the Maes system, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Maes with the teachings of Katz to include credit or debit transactions, one of many reasons would be to increase the system flexibility and maximizing the consumer convenience by allowing the consumer to purchase a good or service using a credit or debit over the Internet instead of mailing cash or other type of checks to the provider of the good or services.

Regarding Claim 12, Maes discloses verifying the user's identity using a voice authentication process (Col 21-22, Paragraph [0066]).

***Response to Arguments***

12. Applicant's arguments filed in the amendment of August 18, 2015 have been fully considered but they are not persuasive;

a. Applicant's arguments in regard to the newly added limitations are moot in view of the Examiner's rejection; please see the rejections to the newly added limitations above.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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<sup>1</sup> Please note that the Applicant's admitted prior art would also read on the limitations of these claims (see



***Points of Contact***

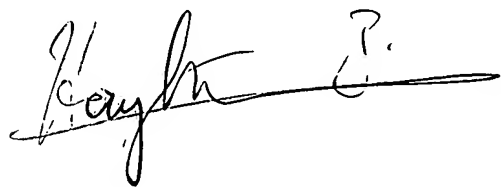
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (571) 272-4014. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin, can be reached at (571) 272-446.

Any response to this office action should be mailed to:

The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or Faxed at our central fax number (571) 273-8300.

Hand-delivered responses should be brought to the Customer Service Window of the Randolph Building at 401 Dulany Street, Alexandria, VA 22314



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Patent Examiner  
Technology Center 2100  
Art Unit 2168



**HOSAIN ALAM**  
**SUPERVISORY PATENT EXAMINER**